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Attorneys for Plaintiff  
 PULTE HOMES, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

PULTE HOMES, INC., a Michigan  
 corporation;

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY,  
 a Delaware corporation;

Defendant.

Case No. C06-06650 MJJ

**JOINT STIPULATION FOR VOLUNTARY  
 DISMISSAL OF ACTION**

**[FRCP 41(a)]**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff Pulte Homes, Inc. (Pulte) and defendant Lexington Insurance Company (Lexington), by and through their attorneys of record, agree and stipulate as follows:

1. This action was filed on October 25, 2006;
2. This action is not a class action, a receiver has not been appointed, and the action is not governed by any statute of the United States that requires an order of the court for dismissal;
3. Lexington, the only defendant named in this action, is voluntarily dismissed with prejudice from the complaint filed by Pulte;
4. Each party agrees to bear its own fees and costs;
5. This stipulation may be executed in several identical counterparts, each of which

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**STIPULATION FOR DISMISSAL**

shall be deemed an original and which together shall, when executed by or on behalf of all parties, constitute a single stipulation for all purposes;

6. A facsimile of the signature by or on behalf of any party shall be deemed equivalent to the original signature for all purposes; provided, however, that if the original signature is required for purposes of filing this document with the court or for other good reason, it shall be promptly produced.

DATED: January 18, 2007

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Lori A. Sebransky

LORI A. SEBRANSKY  
Attorneys for plaintiff Pulte Homes, Inc.

DATED: January 17, 2007

MCCURDY & FULLER, LLP

By /s/ Gina M. Guiley

GINA M. GUILLEY  
Attorneys for defendant Lexington  
Insurance Co.

